THE HONORABLE THOMAS S. ZILLY 1 2 3 4 UNITED STATES DISTRICT COURT 5 FOR THE WESTERN DISTRICT OF WASHINGTON 6 7 BUNGIE, INC., a Delaware corporation, Cause No. 2:21-cv-0811 TSZ 8 **Plaintiff** 9 **DEFENDANTS' [PROPOSED]** SPECIAL VERDICT FORM 10 V. AND PROPOSED VOIR DIRE 11 AIMJUNKIES.COM, a business of unknown **QUESTIONS** classification; PHOENIX DIGITAL GROUP 12 LLC, an Arizona limited liability company; JEFFREY CONWAY, an individual; DAVID 13 SCHAEFER, an individual; JORDAN GREEN, 14 an individual; and JAMES MAY, an individual, Defendants. 15 16 Defendants provide the following proposed jury verdict form as Appendix A, 17 and proposed voir dire question as Appendix B hereto. 18 Defendants reserve the right to revise, supplement or amend this proposed jury 19 verdict form as the need arises. Defendants are available to confer with Bungie to 20 resolve any issues and submit a complete verdict form to the Court. 21 Dated November 9, 2023. 22 /s/ Philip P. Mann Philip P. Mann, WSBA No: 28860 23 Mann Law Group PLLC 24 403 Madison Ave. N. Ste. 240 Bainbridge Island, Washington 98110 25 Phone (206) 436-0900 phil@mannlawgroup.com 26 Attorneys for Defendants 27 28

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APPENDIX A VERDICT FORM

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<u>Instructions</u>

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ructions on answering the following questions

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout. Your answer to each question must be unanimous. Some of the questions contain legal terms. These terms are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

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Defendants' Proposed Special Verdict Form and Voir Dire Questions Cause No. 21-CV-0811-TSZ

MANN LAW GROUP PLLC 403 Madison Ave. N. Ste. 240 Bainbridge Island, WA 98110 Phone: 206.436.0900

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1	We, the jury, unanimously agree to the answers to the following questions and
2	return them under the instructions of this Court as our verdict in this case:
3	
4	Plaintiff Bungie's Copyright Infringement Claim
5	QUESTION 1
6	Did any of the Defendants infringe Bungie's copyright in the <i>Destiny 2</i> game?
7	YES
8	NO
9	If the answer to Question 1 is "YES," please continue to Question 2. If the answer to
10	Question 1 is "NO," please continue to Question 7.
11	
12	QUESTION 2
13	If you answered "YES" to Question 1, please indicate with an "X" which
14	Defendant(s) infringed Bungie's copyright in the <i>Destiny 2</i> game?
15	James May
16	Phoenix Digital Group
17	David Schaefer
18	Jordan Green
19	Jeffrey Conway
20	If the answer to Question 1 is "YES," please continue to Question 3. If the answer to
21	Question 1 is "NO," please continue to Question 7.
22	
23	QUESTION 3
24	If you answered "YES" to Question 1, please indicate with an "X" which
25	Defendant(s) willfully infringed Bungie's copyright in the <i>Destiny 2</i> game?
26	James May
27	Phoenix Digital Group
28	Defendants' Proposed Special Verdict Form and Voir Dire Questions Page 3 Cause No. 21-CV-0811-TSZ Mann Law Group PLLC 403 Madison Ave. N. Ste. 240 Bainbridge Island, WA 98110 Phone: 206.436.0900

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1	David Schaefer
2	Jordan Green
3	Jeffrey Conway
4	If the answer to Question 1 is "YES," please continue to Question 4. If the answer to
5	Question 1 is "NO," please continue to Question 7.
6	
7	QUESTION 4
8	If you answered "YES" to Question 1, please indicate with an "X" which
9	Defendant(s) contributorily infringed Bungie's copyright in the <i>Destiny 2</i> game?
10	James May
11	Phoenix Digital Group
12	David Schaefer
13	Jordan Green
14	Jeffrey Conway
15	If the answer to Question 1 is "YES," please continue to Question 5. If the answer to
16	Question 1 is "NO," please continue to Question 7.
17	
18	QUESTION 5
19	If you answered "YES" to Question 1, please indicate with an "X" which
20	Defendant(s) vicariously infringed Bungie's copyright in the <i>Destiny 2</i> game?
21	James May
22	Phoenix Digital Group
23	David Schaefer
24	Jordan Green
25	Jeffrey Conway
26	If the answer to Question 1 is "YES," please continue to Question 6. If the answer to
27	Question 1 is "NO," please continue to Question 7.
28	Defendants' Proposed Special Verdict Form and Voir Dire Questions Page 4 Mann Law Group PLLC 403 Madison Ave. N. Ste. 240 Bainbridge Island, WA 98110

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2	QUESTION 6
3	What amount do you award in actual damages for Defendants' copyright
4	infringement?
5	Answer in dollars and cents the amount you award.
6	\$
7	
8	Please continue to Question 7.
9	QUESTION 7
10	Did any of the Defendants infringe Bungie's copyright in the Destiny 2: Beyond
11	Light game?
12	YES
13	NO
14	If the answer to Question 7 is "YES," please continue to Question 8. If the answer to
15	Question 7 is "NO," please continue to Question 13.
16	
17	QUESTION 8
18	If you answered "YES" to Question 1, please indicate with an "X" which
19	Defendant(s) infringed Bungie's copyright in the Destiny 2: Beyond Light game?
20	James May
21	Phoenix Digital Group
22	David Schaefer
23	Jordan Green
24	Jeffrey Conway
25	If the answer to Question 7 is "YES," please continue to Question 3. If the answer to
26	Question 7 is "NO," please continue to Question 13.
27	
28	Defendants' Proposed Special Verdict Form and Voir Dire Questions Page 5 Mann Law Group PLLC 403 Madison Ave. N. Ste. 240

1	QUESTION 9		
2	If you answered "YES" to Question 1, please indicate with an "X" which		
3	Defendant(s) willfully infringed Bungie's copyright in the Destiny 2: Beyond Light		
4	game?		
5	James May		
6	Phoenix Digital Group		
7	David Schaefer		
8	Jordan Green		
9	Jeffrey Conway		
10	If the answer to Question 7 is "YES," please continue to Question 4. If the answer to		
11	Question 7 is "NO," please continue to Question 13.		
12			
13	QUESTION 10		
14	If you answered "YES" to Question 1, please indicate with an "X" which		
15	Defendant(s) contributorily infringed Bungie's copyright in the Destiny 2: Beyond		
16	Light game?		
17	James May		
18	Phoenix Digital Group		
19	David Schaefer		
20	Jordan Green		
21	Jeffrey Conway		
22	If the answer to Question 7 is "YES," please continue to Question 5. If the answer to		
23	Question 7 is "NO," please continue to Question 13.		
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28	Defendants' Proposed Special Verdict Form and Voir Dire Questions Page 6 MANN LAW GROUP PLLC 403 Madison Ave. N. Ste. 240		

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1	QUESTION 11	
2	If you answered "YES" to Question 1, please indicate with an "X" which	
3	Defendant(s) vicariously infringed Bungie's copyright in the Destiny 2: Beyond Light	
4	game?	
5	James May	
6	Phoenix Digital Group	
7	David Schaefer	
8	Jordan Green	
9	Jeffrey Conway	
10	If the answer to Question 7 is "YES," please continue to Question 6. If the answer to	
11	Question 7 is "NO," please continue to Question 13.	
12		
13	QUESTION 12	
14	What amount do you award in actual damages for Defendants' copyright	
15	infringement?	
16	Answer in dollars and cents the amount you award.	
17	\$	
18		
19	COUNTERCLAIM OF JAMES MAY	
20	QUESTION 13	
21	Did Bungie violate the rights of James May by accessing copyrighted materials	
22	on James May's personal computer without authorization?	
23	YES	
24	NO	
25	If the answer to Question 13 is "YES," please continue to Question 14. If the answer	
26	to Question 1 is "NO," please continue to Question 7.	
27		
28	Defendants' Proposed Special Verdict Form and MANN Law Group PLLC 403 Madison Ave. N. Ste. 240	

1	QUESTION 14			
2	What amount do you award in actual damages for Bungie's unlawful access of			
3	James May's personal computer?			
4	Answer in dollars and cents the amount you award.			
5	\$			
6				
7	You have now reached the end of the verdict form and should review it to			
8	ensure it accurately reflects your unanimous determinations. The Presiding Juror			
9	should then sign and date the verdict form in the spaces below and notify the			
10	courtroom deputy that you have reached a verdict. The Presiding Juror should retain			
11	possession of the verdict form and bring it when the jury is brought back into the			
12	courtroom.			
13	Dated: By:			
14	Presiding Juror			
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28	Defendants' Proposed Special Verdict Form and Voir Dire Questions Page 8 Mann Law Group Pllc 403 Madison Ave. N. Ste. 240			

1 APPENDIX B 2 **VOIR DIRE QUESTIONS** 3 4 In addition to standard questions regarding potential conflicts, knowledge of the 5 parties, counsel, case, etc., Defendants propose that the following additional questions 6 be asked of potential jurors in this matter: 7 8 1. Do you play video (or computer) games? 9 2. Does anyone in your household play video games? 10 3. Have you ever played video games? 11 4. Are you familiar with video games? 12 5. Have you ever played a video game distributed by Bungie? 13 6. Has anyone in your household ever played a video game distributed by Bungie? 14 7. Have you ever played "Destiny 2"? 15 8. Has anyone in your household ever played "Destiny 2"? 16 9. Have you ever played "Destiny 2, Beyond Light"? 17 10. Has anyone in your household ever played "Destiny 2, Beyond Light"? 18 11. Have you seen or read any publicity about this case? 19 Have you seen or read any publicity about "cheating" in computer games? 12. 20 13. Are you aware of "cheating" in computer games? 21 14. Do you have any thoughts or opinions about "cheating" in computer games? 22 15. Do you believe that "cheating" in computer games is or should be unlawful? 23 16. Do you have any opinion as to whether "cheating" in computer games is or 24 should be unlawful? 25 16. Do you believe that large companies are inherently more trustworthy than 26 individuals? 27 Defendants' Proposed Special Verdict Form and MANN LAW GROUP PLLC 28 Page 9

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1	17.	Do you believe that large law firms are inherently more trustworthy than small
2		firms?
3	18.	Have you ever created a copyrighted work?
4	19	Have you ever believed you have suffered copyright infringement?
5	20.	Have you ever been in a lawsuit?
6	21.	Have you ever believed your rights have been violated in a court of law?
7	22.	Do you have confidence in the courts to reach just and proper decisions?
8	23.	Do you own or use a personal computer?
9	24.	Do you keep private information on your personal computer?
10	25.	Do you have any thoughts as to what extent private information should remain
11		private?
12	26.	Have you ever suffered an invasion of your privacy?
13	27.	Have you ever had your personal banking information or credit card(s) hacked
14		or otherwise compromised?
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